

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JEFFREY O. SWOPE,

Plaintiff,

VS.

FIDUCIARY ASSET MANAGEMENT, L.L.C.,

Defendant.

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Case No. 07-CV-6921 (BSJ)

(ECF Case)

**DECLARATION OF MATTHEW A. KATZ, ESQ. IN SUPPORT
OF DEFENDANT FIDUCIARY ASSET MANAGEMENT, L.L.C.'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

MATTHEW A. KATZ, ESQ., pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am an associate with the law firm of Schindler Cohen & Hochman LLP.

Together with The Lowenbaum Partnership, L.L.C., we represent Defendant Fiduciary Asset Management, L.L.C. (“FAMCO”) in the above-captioned action.¹ I make this declaration in support of FAMCO’s Motion to Dismiss Plaintiff’s Complaint.

2. Attached as Exhibit A is a true and correct copy of the letter dated January 2, 2017, from Jeffrey O. Swope's attorney, William L. Sessions, to Joe Gallagher of FAM.

3. Attached as Exhibit B is a true and correct copy of the docket in *Fiduciary Asset Management, L.L.C. v. Jeffrey O. Swope*, Case No 07-301, as it appeared on the Eastern District of Missouri's CM/ECF website on August 7, 2007.

¹ FAMCO intends to submit a motion for the admission *pro hac vice* of one or more attorneys from the Lowenbaum Partnership in the near future.

4. Attached as Exhibit C is a true and correct copy of Plaintiff's complaint herein, originally filed in New York Supreme Court for the County of New York on June 29, 2007.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2007 in New York, New York.

A handwritten signature in black ink, appearing to read 'Matthew A. Katz', is written over a horizontal line.

Matthew A. Katz